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Alan John Sullivan

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EXAMINER

LANGHNOJA, KUNAL N

ART UNIT

PAPER NUMBER

4115

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/655,943	<b>Applicant(s)</b> SULLIVAN, ALAN JOHN	
	<b>Examiner</b> Kunal Langhnoja	<b>Art Unit</b> 4115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/04/03</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Regarding claims 4 and 15**, “potential” is possibility of action and it is uncertain that steps following “potential” are executed, which makes scope of the claim indefinite. Thus, claims 4 and 15 are rejected.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3,5-12, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Novak et al (United States Patent Application Publication 2003/0097655), hereinafter referenced as Novak.

**Regarding claim 1**, Novak discloses system and method for providing conditional access to digital content. In addition, Novak discloses system, which illustrates various operations and transaction reads on claimed “effecting a transaction”, as disclosed in paragraph 0081, exhibited in figure 4-8, system comprising,

each STB 102 may be coupled to the network 101 via a broadcast center 110. In the context of a cable television network, a broadcast center 110 may be embodied as a "head-end", which reads on claimed “a head-end, a communications network, and a receiver”, wherein a broadcast center 110 reads on claimed “head-end”, network 101 reads on claimed “a communications network”, and STB 102 reads on claimed “a receiver”, as disclosed in paragraph 0052

Each STB 102 may be integrated with a digital integrated receiver/decoder (IRD), which separates each channel, and decompresses and translates the digital signal from the satellite dish to be displayed by the television 104, furthermore Novak discloses transmission between broadcast centers 110 occurs upstream from a first broadcast center 110 to the network 101 and then downstream to a second broadcast center 110 and downstream to a second STB 102, which reads on claimed “capable of receiving digital information, including content data from the head-end through the network, and of making the content data available to a user on a display device”. Wherein, digital integrated receiver/decoder separates each channel, and decompresses and translates the digital signal from the satellite dish to be displayed by the television 104 reads on claimed “capable of receiving digital information”, transmission between broadcast centers 110 occurs upstream from a first broadcast center 110 to the network 101 and

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then downstream to a second broadcast center 110 and downstream to a second STB 102 reads on claimed “including content data from the head-end through the network”, and content is displayed on the television 104 reads on claimed “of making the content data available to a user on a display device”, as disclosed in paragraphs 0053 and 0060.

STB 102 may include or be coupled to a smart card reader 305 for accessing digital information stored within a smart card or similar device, which reads on claimed “receiver further includes an interface to a subscriber secure device”. Wherein STB reads on claimed “receiver”, smart card reader 305 reads on claimed “interface to a subscriber secure device”, as disclosed in paragraph 0074

a user 402 may desire to view or listen to a specific program of digital content 404, such as a movie, television show, musical performance, etc. The user 402 specifies the desired content 404 via a user interface (not shown) displayed on the television 104, which reads on claimed “system having the capability to create a transaction token”. Wherein, user is capable of requesting a content using the system reads on claimed “capability to create a transaction token”, as disclosed in paragraph 0082

the request 409 may include a user identifier 602 (which may include identity credentials) and a content identifier 604. The user identifier 602 uniquely identifies the user 402, while the content identifier 604 uniquely describes or identifies the requested content 404. Furthermore, the authentication process may require the user 402 to enter additional information via the remote control 106, which reads on claimed “a first code

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uniquely identifying the subscriber secure device, wherein the receiver is programmed to make the first code available on the display device". Wherein, a user identifier 602 reads on claimed "a first code uniquely identifying the subscriber secure device", and user may require to enter addition information via the remote control 106, which requires user to view information through television 104 reads on claimed "the receiver is programmed to make the first code available on the display device", as disclosed in 0089 and 0112

The STB 102 may include or be coupled to a smart card reader 305 for accessing digital information stored within a smart card or similar device. Furthermore, the authentication process may require the user 402 to enter additional information via the remote control 106 or keyboard 108, such as a pass code or pass phrase, which reads on claimed "the system further includes a terminal for creating a transaction token, including an interface to a client secure device, wherein the terminal includes a user interface for entering the first code, and is arranged to create the transaction token from the entered first code in co-operation with the client secure device." Wherein, enter additional information via the remote control 106 or keyboard 108 reads on claimed "terminal for creating a transaction token", a smart card reader 305 reads on claimed "an interface to a client secure device", a pass code or pass phrase is enter by either a keyboard or remote control reads on claimed "terminal includes a user interface for entering the first code", in order for authentication process to be complete addition information is require by the user reads on claimed "create the transaction token from

the entered first code in co-operation with the client secure device”, as disclosed in paragraphs 0074 and 0089.

**Regarding claim 2**, Novak discloses everything claimed. In addition, Novak discloses system, which illustrates various operations and transaction reads on claimed “transaction”, as disclosed in paragraph 0081, exhibited in figure 4-8, system comprising,

each STB 102 may be coupled to the network 101 via a broadcast center 110. In the context of a cable television network, a broadcast center 110 may be embodied as a "head-end", which reads on claimed “a head-end, a communications network, and a receiver”, wherein a broadcast center 110 reads on claimed “head-end”, network 101 reads on claimed “a communications network”, and STB 102 reads on claimed “a receiver”, as disclosed in paragraph 0052

Each STB 102 may be integrated with a digital integrated receiver/decoder (IRD), which separates each channel, and decompresses and translates the digital signal from the satellite dish to be displayed by the television 104, furthermore Novak discloses transmission between broadcast centers 110 occurs upstream from a first broadcast center 110 to the network 101 and then downstream to a second broadcast center 110 and downstream to a second STB 102, which reads on claimed “capable of receiving digital information, including content data from the head-end through the network, and of making the content data available to a user on a display device”. Wherein, digital integrated receiver/decoder separates each channel, and decompresses and translates the digital signal from the satellite dish to be displayed by the television 104 reads on

claimed “capable of receiving digital information”, transmission between broadcast centers 110 occurs upstream from a first broadcast center 110 to the network 101 and then downstream to a second broadcast center 110 and downstream to a second STB 102 reads on claimed “including content data from the head-end through the network”, and content is displayed on the television 104 reads on claimed “of making the content data available to a user on a display device”, as disclosed in paragraphs 0053 and 0060.

STB 102 may include or be coupled to a smart card reader 305 for accessing digital information stored within a smart card or similar device, which reads on claimed “receiver further includes an interface to a subscriber secure device”. Wherein STB reads on claimed “receiver”, smart card reader 305 reads on claimed “interface to a subscriber secure device”, as disclosed in paragraph 0074

a user 402 may desire to view or listen to a specific program of digital content 404, such as a movie, television show, musical performance, etc. The user 402 specifies the desired content 404 via a user interface (not shown) displayed on the television 104, which reads on claimed “first code for creating a transaction token”. Wherein, user is capable of requesting a content using the system reads on claimed “creating a transaction token”, as disclosed in paragraph 0082

the request 409 may include a user identifier 602 (which may include identity credentials) and a content identifier 604. The user identifier 602 uniquely identifies the user 402, while the content identifier 604 uniquely describes or identifies the requested content 404. Furthermore, the authentication process may require the user 402 to enter



additional information via the remote control 106, which reads on claimed “uniquely identifying the subscriber secure device, is made available to the user on the display device”. Wherein, a user identifier 602 reads on claimed “uniquely identifying the subscriber secure device”, and user may require to enter addition information via the remote control 106, which requires user to view information through television 104 reads on claimed “is made available to the user on the display device”, as disclosed in 0089 and 0112

**Regarding claim 3**, Novak discloses everything claimed (see claim 2), in addition, Novak discloses digital content 404, may be encapsulated within a request 409, which is sent to the verification entity 406 via the network connection 408. In addition, Novak discloses authentication process may require the user 402 to enter additional information via the remote control 106 or keyboard 108, such as a pass code or pass phrase. Furthermore, Novak discloses the request 409 may include a user identifier 602 (which may include identity credentials) and a content identifier 604, which reads on claimed “second code, identifying a product to be ordered, and included in the content data, is made available to the user on the display device”. Wherein, request 409 includes content identifier 604 reads on claimed “second code, identifying a product to be ordered”, digital content encapsulated within a request 409 reads on claimed “and included in the content data”, and authentication process may require the user 402 to enter additional information via the remote control 106 or keyboard 108, which requires for information to be displayed on the television 104 reads on claimed “available to the user on the display device”, as disclosed in paragraphs 0088,0089 and 0112.

**Regarding claim 5**, Novak discloses everything claimed. In addition, claim 5 is interpreted and thus rejected for the reasons set forth above in the rejection of claims 1 and 2. Thus claim 5 is rejected.

**Regarding claim 6**, Novak discloses everything claimed (see claim 5), in addition, Novak discloses STB 102 may include or be coupled to a smart card reader 305 for accessing digital information stored within a smart card. A smart card is a non-volatile memory device that may include, for instance, a microprocessor. The smart card reader 305 is used to read identification credentials, such as digital signatures, digital certificates, pass codes, pass phrases, biometric data, or the like, from a user's smart card in order to authenticate the user for viewing requested digital content, which reads on claimed "the subscriber secure device includes a further identification code, and is arranged to calculate the first code by encrypting the further identification code." Wherein, a smart card reads on claimed "subscriber secure device", smart card includes identification reads on claimed "identification code", and smart card stores identification credentials, such as digital signatures, digital certificates, pass codes, pass phrases, biometric data reads on claimed "arranged to calculate the first code by encrypting the further identification code", as disclosed in 0074.

**Regarding claim 7**, Novak discloses everything claimed. In addition, Novak discloses system, the STB 102 may include or be coupled to a smart card reader 305 for accessing digital information stored within a smart card or similar device. In addition, Novak discloses request 409 may include a user identifier 602 (which may include identity credentials) and a content identifier 604. The user identifier 602 uniquely

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identifies the user 402, while the content identifier 604 uniquely describes or identifies the requested content 404. Furthermore, the authentication process may require the user 402 to enter additional information via the remote control 106 or keyboard 108, such as a pass code or pass phrase, which reads on claimed “a terminal for creating a transaction token, including an interface to a client secure device, and arranged to create a transaction token incorporating a first code, identifying a subscriber secure device, wherein the terminal includes a user interface for entering the first code, and is arranged to create the transaction token from the entered first code in co-operation with the client secure device.” Wherein, enter additional information via the remote control 106 or keyboard 108 reads on claimed “terminal for creating a transaction token”, a smart card reader 305 reads on claimed “an interface to a client secure device”. A request 409 reads on claimed “arrange to create a transaction token”, user identifier 602 reads on claimed “first code”, and user identifier 602 reads on claimed “identifying subscribers secure device”. A pass code or pass phrase is enter by either a keyboard or remote control reads on claimed “terminal includes a user interface for entering the first code”, in order for authentication process to be complete addition information is require by the user reads on claimed “create the transaction token from the entered first code in co-operation with the client secure device”, as disclosed in paragraphs 0074, 0089 and 0112.

**Regarding claim 8**, Novak discloses everything claimed (see claim 7), in addition, Novak discloses the STB 102 may include or be coupled to a smart card reader 305 for accessing digital information stored within a smart card or similar device.

In addition, Novak discloses request 409 may include a user identifier 602 (which may include identity credentials) and a content identifier 604. The user identifier 602 uniquely identifies the user 402, while the content identifier 604 uniquely describes or identifies the requested content 404. Furthermore, the authentication process may require the user 402 to enter additional information via the remote control 106 or keyboard 108, such as a pass code or pass phrase, which reads on claimed “including a user interface for entering a second code, identifying a product to be bought, wherein the terminal is arranged to incorporate the second code in the transaction token in co-operation with the client secure device.” Wherein, request 409 is made by user which include the content identifier entered by user either with remote of keyboard reads on claimed “including a user interface for entering a second code”, the content identifier 604 reads on claimed “identifying a product to be bought”, and digital information is retrieved by the smart card reader 305 and request 409 is sent including the user id and content identifier reads on claimed “second code in the transaction token in co-operation with the client secure device”, as disclosed in paragraphs 0074, 0089 and 0112.

**Regarding claim 9**, Novak discloses everything claimed (see claim 7), in addition, Novak discloses STB 102 may include or be coupled to a smart card reader 305 for accessing digital information stored within a smart card. A smart card is a non-volatile memory device that may include, for instance, a microprocessor. The smart card reader 305 is used to read identification credentials, such as digital signatures, digital certificates, pass codes, pass phrases, biometric data, or the like, from a user's smart card in order to authenticate the user for viewing requested digital content, which reads

on claimed “the terminal is arranged to include a digital signature with the transaction token in co-operation with the client secure device.” Wherein, Smart card reader is used to read digital signatures reads on claimed “the terminal is arranged to include a digital signature”, for viewing requested digital content reads on claimed “the transaction token”, and to a smart card reader 305 for accessing digital information stored within a smart card reads on claimed “co-operation with the client secure device”, as disclosed in paragraph 0074.

**Regarding claim 10**, Novak discloses everything claimed (see claim 9), in addition, Novak discloses a user's identification credentials are read from a smart card 410 inserted into a smart card reader 305. The identification credentials may include, for instance, a digital signature, a digital certificate, a pass code, and a pass phrase. Furthermore, authentication process may require the user 402 to enter additional information via the remote control 106 or keyboard 108, such as a pass code or pass phrase, which is likewise sent to the verification entity 406 with or following the request 409, which reads on claimed “the terminal includes a user interface for entering a personal identification code, and is arranged to generate the digital signature using the personal identification code in co-operation with the client secure device.” Wherein, enter additional information via the remote control 106 or keyboard 108 reads on claimed “the terminal includes a user interface for entering”, pass code or pass phrase reads on claimed “personal identification code”, and after authorization identification credentials are read from a smart card 410 inserted into a smart card reader 305 reads on claimed “arranged to generate the digital signature using the personal identification

code in co-operation with the client secure device”, wherein digital signature is included in the in the identification credentials, as disclosed in paragraphs 0087 and 0089

**Regarding claim 11**, Novak discloses everything claimed (see claim 7), in addition, Novak discloses a user's identification credentials are read from a smart card 410 inserted into a smart card reader 305. The identification credentials may include, for instance, a digital signature, a digital certificate, a pass code, and a pass phrase. Furthermore, authentication process may require the user 402 to enter additional information via the remote control 106 or keyboard 108, such as a pass code or pass phrase, which is likewise sent to the verification entity 406 with or following the request 409, which reads on claimed “the terminal includes a user interface for entering further details of the transaction, and is arranged to incorporate the entered details in the token in co-operation with the client secure device.” Wherein, the remote control 106 or keyboard 108 reads on claimed “terminal includes a user interface for entering further details of the transaction”, request 409 reads on claimed “token”, and smart card reader 305 reads on claimed “client secure device”, as disclosed in paragraph 0087 and 0089.

**Regarding claim 12**, Novak discloses everything claimed (see claim 7), in addition, Novak discloses STB 102 may use the temporary network connection 502 to access a verification entity 406, send a request 409, establish a user's identity, and receive a license 411, which reads on claimed “arranged to establish a communications link with an arbitrator system, and to transfer the token through the communications link to the arbitrator system.” Wherein, network connection 502 reads on claimed

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“communication link”, verification entity 406 reads on claimed “arbitrator system”, and a request 409 reads on claimed “token”, as disclosed in paragraph 105.

**Regarding claim 14**, Novak discloses everything claimed (see claim 7), in addition, Novak discloses a user's identification credentials are read from a smart card 410 inserted into a smart card reader 305. The identification credentials may include, for instance, a digital signature, a digital certificate, a pass code, and a pass phrase, which reads on claimed “client secure device, suitable for use in a terminal according to claim 7, and arranged to create at least part of the transaction token”. Wherein, smart card reader 305 reads on claimed “client secure device”, smart card 410 reads on claimed “terminal”, and information reads from the smart card reader 305 creates partial part of the transaction on the user side reads on claimed “create at least part of the transaction token”, as disclosed in paragraph 0087.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novak, in view of Hendricks et al (United States Patent 7,134,131), hereinafter, referenced as Hendricks.

**Regarding claim 13**, Novak discloses everything claimed (see claim 12), however, Novak fails to disclose “the terminal is arranged to receive a confirmation of the transaction from the arbitrator system, and has the capability of indicating receipt of the confirmation to the user”. The examiner maintains that it was well known in the art to provide the system with “the terminal is arranged to receive a confirmation of the transaction from the arbitrator system, and has the capability of indicating receipt of the confirmation to the user”, as taught by Hendricks.

In the similar field of endeavor Hendricks discloses digital broadcast program billing. In addition, Hendricks discloses the order and authorization system 179 prepares an authorization confirmation signal 196' that is transmitted to the subscriber's terminal, such as the set top terminal 220. Furthermore, Hendricks discloses the order and authorization system 179 also sends the authorization signal 191 to a billing system 194. The billing system 194, on receipt of the authorization signal 191, prepares a billing record that may be sent to the subscriber on a periodic basis, which reads on claimed “the terminal is arranged to receive a confirmation of the transaction from the arbitrator system, and has the capability of indicating receipt of the confirmation to the user.” Wherein, set top box terminal 220 reads on claimed “terminal”, confirmation signal 196 reads on claimed “confirmation of the transaction”, authorization system 179 reads on claimed “arbitrator system”, and billing record sent to customer reads on claimed “receipt of the confirmation to the user”, as disclosed in lines 15-25 of column 24 and 11-15 of column 28.



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Novak by specifically providing “the terminal is arranged to receive a confirmation of the transaction from the arbitrator system, and has the capability of indicating receipt of the confirmation to the user”, as taught by Hendricks for the purpose of notifying users of the ordered program and payment information.

**4.** Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak

**Regarding Claims 4 and 15**, Novak discloses everything claimed as applied above in the rejection of claims 1-3, however Novak fails to disclose a computer readable medium. However, the examiner takes official notice of the fact that it was well known in the art to provide a computer readable medium.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Novak by specifically providing computer readable medium for the purpose of software implementation of the apparatus of claims 1-3.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kunal Langhnoja whose telephone number is 571-270-3583. The examiner can normally be reached on M-F 7:30-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey Harold can be reached on 571-272-7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kunal Langhnoja/  
Examiner, Art Unit 4115

/K. L./

/Jefferey F Harold/

Supervisory Patent Examiner, Art Unit 4115